

Notice of Allowability

Application No.

10/691,360

Examiner

JOHN PAK

Applicant(s)

SHETTY, KALIDAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's response of 8/2/2006.
2. ☒ The allowed claim(s) is/are 1-6, 8, 10-17, 21-23, 18-20 [renumbered as 1-21].
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____, AND
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2006/12/5
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.


JOHN PAK
PRIMARY EXAMINER
GROUP 1200

Continuation of Attachment(s) 9. Other: U.S. Patent 4,043,788 is cited to further show the state of the art.


JOHN PAK
PRIMARY EXAMINER
GROUP 1000

This Office action is in reply to applicant's response of 8/2/2006.

Claims 1-23 are pending in this application.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Ms. Soumoff on 11/16/2006 and 11/27/2006.

Cancel claims 7 and 9.

Claim 1, line 8: after "volume" **insert** --- for a period of time between about five (5) and about twenty (20) days --- .

Claim 1, line 10: after "resulting" **insert** --- soluble --- .

Claim 10, line 1: **delete** "9" and insert --- 8 --- .

Claim 11, line 2: after "50%" **insert** --- said --- .

Claim 13, line 3: after "resulting" **insert** --- soluble --- .

Claim 14, line 8: after "volume" **insert** --- for a period of time between about five (5) and about twenty (20) days --- .

Claim 14, line 10: after "resulting" **insert** --- soluble --- .

Claim 15, lines 1-2: **delete** "An organic composition product ... by the process of claim 14" and **insert** --- The organic composition product of claim 14 --- .

Claim 16, lines 1-2: **delete** " An organic composition product ... by the process of claim 15" and **insert** --- The organic composition product of claim 15, --- .

Claim 16, lines 3-5: **delete** " ; and a duration of step c) twenty (20) days".

Claim 17, lines 1-2: **delete** " An organic composition product ... by the process of claim 16" and **insert** --- The organic composition product of claim 16, --- .

Claim 17, line 4: after "50%" **insert** --- said --- .

Claim 18, line 1: **delete** "product".

Claim 18, line 8: after "volume" **insert** --- for a period of time between about five (5) and about twenty (20) days --- .

Claim 18, line 10: after "resulting" **insert** --- soluble --- .

Claim 18, line 11: **delete** the entire line 11 and **insert** therefor the following ----
useful for enhancing valuable agronomic traits in plants; and
applying the organic composition to a plant in an amount effective to enhance at least
one valuable agronomic trait in a plant.

Claim 19, lines 4-6: **delete** " ; and a duration of step c) twenty (20) days".

Claim 20, line 3: after "50%" **insert** --- said --- .

Claim 22, line 2: **delete** "of the group selected from" and **insert** --- selected from
the group consisting of --- .

It is noted that cancellation of claims 7 and 9 is due to the fact that they became duplicative after the amendment to claim 1. The now-canceled claim 7 was duplicative of claim 6, and the now-canceled claim 9 was duplicative of claim 8. Amendment to claim 18, line 11 is to positively recite a "method of applying" step, which was previously lacking.

Objection to the Drawings – New Drawings Required

The drawings filed on 10/22/2003 are objected to under 37 CFR 1.84 for the reasons set forth below. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will **not** be held in abeyance.

(1) Applicant's drawings are photographs. Black and white photographs must meet the requirements of 37 CFR 1.84(b)(1). Color photographs must meet the requirements of 37 CFR 1.84(b)(2), i.e. color photographs must meet the requirements of black and white photographs and also meet the requirements of color drawings set forth in 37 CFR 1.84(a)(2), including an appropriate petition and fee. Based on the available USPTO IFW records, it appears that applicant's photographs are color photographs (originally filed as "informal drawings" on 10/22/2003). No relevant petition and fee are of record. Applicant's photographs do not meet the requirements of 37 CFR 1.84.

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(2) The photographs, whether in color or black and white, "must be of sufficient quality such that all details in the photographs are reproducible in the printed patent." 37 CFR 1.84(b)(1), (b)(2). Here, the photographs in **Figures 1 and 4 (A, B and C)** are not of such quality. It does not appear that the details of the photographs are reproducible in the printed patent. The photograph of Figure 2 is minimally acceptable, but applicant may wish to improve that photograph as well (though not required).

(3) The drawings are further objected to for the reasons stated in the Draftsperson's review. See the attached PTO-948.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**.

The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

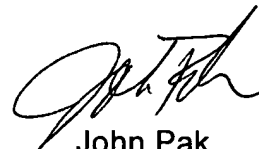
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Johann Richter, can be reached on **(571)272-0646**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Pak
Primary Examiner
Technology Center 1600